Supreme Court, U.S.
FILED

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No.

In the

Supreme Court of the United States

October Term, 1998

LARRY RITCHIE JUNIOR and BRYAN DOUGLAS WALLACE

Petitioners,

-vs-

STATE OF WEST VIRGINIA [SUED AS A PERSON] et al

Respondents,

On Petition for Writ of Certiorari to the Fourth Judicial Circuit Court
Wood County, West Virginia

On Petition for Writ of Certiorari to the Supreme Court of Appeals
Kanawha County, West Virginia

PETITION FOR WRIT OF CERTIORARI

JEFFREY K. PHILLIPS of STEPTOE & JOHNSON
BENJAMIN HUGHES of PULLIN, KNOPF, FOWLER & FLANAGAN
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LARRY RITCHIE JUNIOR and BRYAN DOUGLAS WALLACE
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39pp

QUESTIONS FOR REVIEW.

1) Are Officers of Court with possession of knowledge of Fraud of activity of crimes perpretated liable for neglect of prevention of further injury(s) or wrong(s)?

2) Within a civil case; can a State Official seize property or citizen without securing an Amendment Four Warrant for Arrest or Warrant for Search or Seizure issued by a Court of Law before commencement of Trial?

3) Can a State Court(s) issue orders; declare Rulings of Law against Citizens under status of Ex Parte without service of process and/or consent of Citizen?

4) Can Courts within State of West Virginia break law for enforcment of Law by ignore Citizens'Rights of due process of law under 1789 U.S.C.A. V, XIV and under Article III Section 10 of Constitution of West Virginia?

NAME AND ADDRESS OF RESPONDENTS

1) RESPONDENTS STATE OF WEST VIRGINIA [Sued as a Person], JEFFREY REED [Judge], GEORGE HILL [Judge], WILLIAM RHODES [Magistrate], WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES [Sued as a Person], JOAN GEORGE [Social Worker], PATRICIA FORE-McCAY [Social Worker], SARA REEVES [Social Worker], JEFF BOWLES [State Police], MARY ROSSANA [Social Worker] and MARSHA RUTHERFORD [Secretary]

(Counsel of Record)

JEFFREY K. PHILLIPS
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Phone No. (304) 353-8000
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2) RESPONDENTS WOOD COUNTY [Sued as a Person], MICHELLE RUSEN [Prosecutor], WOOD COUNTY PROSECUTOR OFFICE [Sued as a Person] and HAROLD PHILLIPS [Deputy Sheriff]

(Counsel of Record)

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c) RESPONDENT CITY OF PARKERSBURG [Sued as a Person]

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I. OPINIONS BELOW

1) During Regular Term of Supreme Court of Appeals continued and held at Kanawha County, West Virginia on the 28th day of January, 1999, the following order was made and entered within 990158 Larry Ritchie Junior Petitioners et al -vs- State of West Virginia et al;

a) January 19, 1999, Larry Ritchie Junior and Bryan Douglas Wallace Petitioners presented before Supreme Court of Appeals a petition seeking a Writ of Certiorari. Consideration by Supreme Court Appeals is of opinion to and doth refuse Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Petition for Writ of Certiorari.

2) Decision of Supreme Court of Appeals, Kanawha County, West Virginia is filed under 990158 and decision of Fourth Judicial Circuit Court, Wood County, West Virginia is filed under 98-C-510 and cases are unreported.

II. STATEMENT OF JURISDICTION

3) Judgment delivered by Supreme Court of Appeals, Charleston, Kanawha County, West Virginia was entered January 28, 1999.

4) Larry Ritchie Junior and Bryan Douglas Wallace Petitioners invokes Supreme Court of the United States' Jurisdiction for issued Writ of Certiorari under Supreme Court Rule 10 for Conflict(s) with Decision by Court of last resort within State of West Virginia under Title 28 U.S.C. Section 1257 for review of Judgment by Supreme Court of Appeals, Kanawha County, West Virginia by Article III Section 2 under Constitution of United States for Controversies between State and Citizen of Another State and Article III Section 2 [1] under Constitution of United States of America for exercising Power of Judicial under 1789 United States Constitution Amendment I for Right of Petitioning Government for redress of grievances.

5) Larry Ritchie Junior and Bryan Douglas Wallace Petitioners Writ of Certiorari is made Timely and in Good Faith with no just cause for Delay.

III. CONSTITUTIONAL AND STATUTORY INVOLVED

6) Provisions under United States Constitution before Supreme Court of Appeals, Charleston, West Virginia January 19, 1999 by Writ of Certiorari from Fourth Judicial Circuit Court, Wood County, West Virginia.

i. Provisions under 1789 United States Constitution

a) Amendment I Right to Petition the Government for a redress of grievances;

b) Amendment IV Unreasonable Searches and Seizures without Warrants;

c) Amendment V nor be deprived of life, liberty or property without due process of law;

d) Amendment VII Right of Trial by Jury shall be preserved;

e) Amendment XIII Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction;

f) Amendment XIV Nor shall any State deprive citizens of life, liberty or property without due process of law;

g) Article IV Section 4 The United States shall guarantee to every State in this Union a Republican Form of Government;

h) Article IV Section 3 [1] No new State shall be formed or erected within the Jurisdiction of any other State;

i) Article VI Section 2 This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State Shall by bound thereby, any Thing in the Constitution or Laws on any State to the Contrary notwithstanding;

7) Statutes and Constitution of West Virginia provisions before Supreme Court of Appeals, Charleston, West Virginia January 19, 1999 by Petition for Writ of Certiorari to Fourth Judicial Circuit Court, Wood County, West Virginia. For length of Statutes and Constitution of West

Virginia provisions involved are lengthy, the immediately pertinent portions of statutes are setforth within Appendix C, page 18 a which provisions include;

i. United States Code

a) Title 42 U.S.C.S. § 1986 Knowledge of Law;
b) Title 42 U.S.C.S. § 1985 Conspiracy against Rights;
c) Title 42 U.S.C.S. § 1983 Deprivation of Rights;
d) Title 18 U.S.C.S. § 242 Deprivation of Rights under Color of Law;
e) Title 18 U.S.C.S. § 241 Conspiracy against rights;
f) Title 18 U.S.C.S. § 700 Desecration Flag of United States of America;
g) Title 18 U.S.C.S. § 872 Extortion;
h) Title 18 U.S.C.S. § 1201 Kidnapping;
i) Title 18 U.S.C.S. § 1505 Obstruction of Justice;
j) Title 18 U.S.C.S. § 1584 Sale into involuntary servitude;
k) Title 18 U.S.C.S. § 1588 Transportation of Slaves;
l) Title 18 U.S.C.S. § 1621 Perjury of Oath of Office;
m) Title 18 U.S.C.S. § 1951 Fraud and Racketeering;
n) Title 28 U.S.C.S. § 1605 Jurisdictional immunity of a foreign state;
o) Title 28 U.S.C.S. § 1606 Extent of liability;

ii. Provisions under Constitution of West Virginia

p) Article III Section 4 No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed;
q) Article III Section 6 Unreasonable Searches and Seizures without Warrants;
r) Article III Section 10 deprived of life, liberty, or property, without due process of law;
s) Article III Section 13 Right of Jury Trial;
t) Article VIII Section 6 Circuit Courts; Jurisdiction, Authority and Power;
u) Article IX Section 4 Malfeasance, Misfeasance and neglect official duty.

IV. STATEMENT OF CASE

9) December 3, 1998; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed a Bill of Complaint; Writ of Error within FOURTH

JUDICIAL CIRCUIT COURT, WOOD COUNTY, WEST VIRGINIA under FOURTH JUDICIAL CIRCUIT COURT Original Jurisdiction under Article VIII Section 6 under Constitution of West Virginia for Right of Jury Trial under U.S.C.A. 7 and Article III Section 13 under Constitution of West Virginia for enforcement of Title 28 U.S.C. Section 1605 and Section 1606 for loss of Immunity under F.R.C.P. Rule 12(b)(1) for Jurisdiction over Subject Matter and F.R.C.P. Rule 12(b)(2) for Jurisdiction over Party under activity of Commerce.

10) December 18, 1998 Respondents Wood County [Sued as a Person]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Michelle Rusen [Prosecutor] by Counsel of PULLIN, KNOPE, FOWLER & FLANAGAN filed a Motion to Dismiss.

11) December 18, 1998 Respondent City of Parkersburg [Sued as a Person] by Counsel of MUNDY & ADKINS filed Motion for Sanctions and Motion to Dismiss with Hearing for January 4, 1999.

12) December 21, 1998 Respondents State of West Virginia [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker] and Marsha Rutherford [Secretary] by Counsel of STEPTOE & JOHNSON filed a Motion to Dismiss.

13) December 23, 1998 Respondent Jeff Bowles [State Police] by Counsel of STEPTOE & JOHNSON filed a Motion to Dismiss.

14) December 29, 1998 Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed Motion to Strike Respondents State of West Virginia [Sued as a Person]; Wood County [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary];

Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff]; and Jeff Bowles [State Police] Motion to Dismiss for Redundant, Immaterial, Insufficient Defense and Scandalous Substance.

15) December 29, 1998 Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed Motion to Strike Respondent City of Parkersburg [Sued as a Person] Motion for Sanctions for Redundant, Immaterial, Insufficient Defense and Scandalous Substance.

16) December 29, 1998 STEPTOE & JOHNSON filed Notice of Hearing for January 4, 1999 at 2:30pm.

17) January 5, 1999 Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed Motion for Sanctions against STEPTOE & JOHNSON for failure to appear for Hearing.

18) January 7, 1999; Order by Fourth Judicial Circuit Court, Wood County, West Virginia dismissing Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs Bill of Complaint: Writ of Error.

19) January 14, 1999; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs Notice Respondents State of West Virginia [Sued as a Person]; City of Parkersburg [Sued as a Person]; Wood County [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Health and Human Resources [Sued as a Person]; Joan George [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] of a Petition for Writ of Certiorari before Supreme Court of Appeals, Charleston, West Virginia.

20) January 19, 1999; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners filed Writ of Certiorari within Supreme Court of Appeals for Certification of record for review by Jurisdiction invoked under Article VIII Section 3 of Constitution of West Virginia.

21) January 28,1999; Order issued by Supreme Court of Appeals of West Virginia dismissing/denying Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Writ of Certiorari for Certification of Record

against Fourth Judicial Circuit Court, Wood County, West Virginia for review.

22) February 16, 1999; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners Noticed Respondents State of West Virginia [Sued as a Person]; City of Parkersburg [Sued as a Person]; Wood County [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Health and Human Resources [Sued as a Person]; Joan George [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] of Writ of Certiorari before Supreme Court of United States.

V. REASONS FOR GRANTING WRIT OF CERTIORARI

23) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 42 U.S.C. Section 1985 for Conspiracy by Supreme Court of Appeals of West Virginia.

24) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 42 U.S.C. Section 1983 for Deprivations of Rights under Color of Law by Supreme Court of Appeals of West Virginia.

25) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 18 U.S.C. Section 242 for Deprivation of Rights by Supreme Court of Appeals of West Virginia.

26) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 18 U.S.C. Section 241 for Conspiracy by Supreme Court of Appeals of West Virginia.

27) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 18 U.S.C. Section 1505 for Obstruction of Justice by Supreme Court of Appeals of West Virginia.

VI. PRAYER FOR RELIEF

28) Larry Ritchie Junior and Bryan Douglas Wallace Petitioners prays Supreme Court of United States of America issue Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Petition for Writ of Certiorari for review of Judgment entered by Supreme Court of Appeals of West Virginia for Court of Last Resort under Operation and Rule of Law.

29) Further Relief Supreme Court of United States of America deems necessary.

Respectfully Submitted,

Larry Ritchie Junior Petitioner
c/o Route 2 Box 54
Marietta, Ohio 45750

Respectfully Submitted,

Bryan Douglas Wallace Petitioner
c/o Post Office Box 220
Marietta, Ohio 45750